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Of Counsel

January 16, 2014

BY FACSIMILE AND ECF

Hon. I. Leo Glasser
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Dwayne Stone v. United States of America*
Docket. No. 11-CV-2763 (ILG) and 05 Cr. 401 (ILG)

Dear Judge Glasser:

By order of this court dated July 26, 2013, petitioner Dwayne Stone's writ of habeas corpus was granted vacating the life sentence previously imposed under Docket No. 05 Cr. 410 (ILG). Re-sentencing of the petitioner was then scheduled for November 6, 2013. Subsequently, upon motion by counsel, Dwayne Stone's re-sentencing was adjourned by this court until January 31, 2014. This letter is submitted on consent of both parties to request a new continuance of Dwayne Stone's re-sentencing until March 31, 2014, for the reasons set forth below.

I. Reasons For Requested Continuance

Counsel is presently involved in preparation for trial in the matter of *United States v. Anthony Mayes, Jr. et al*, docket no. 12-Cr.-385 (ARR). Jury selection in this matter shall take place on January 27, 2014, before the Hon. Allyne R. Ross in the Eastern District of New York. This is a complex, multi-defendant case, which had previously been death eligible, before the government's decision not to seek the death penalty. The case involves allegations of R.I.C.O., drug trafficking, promoting prostitution, and acts of violence including murder, attempted murder, arson, robbery, and assault, as well as illegal possession and use of firearms. This case requires substantial pretrial preparation by defense counsel. Moreover, just yesterday, the government filed a new superseding

indictment which charged the defendants with yet another murder previously unknown by defense counsel.

In light of the foregoing, both the petitioner's counsel and the government request that the court continue the re-sentencing of Dwayne Stone to Monday, March 31, 2014. In view of the schedules of both the government and petitioner's counsel, we believe that the proposed date would give the parties the opportunity to investigate all factual matters and legal issues relevant to re-sentencing.

The parties also propose the following briefing schedule: (1) Defense submission by February 20, 2014, government response by March 20, 2014; (2) reply, if any, by March 25, 2014, and re-sentencing to take place on March 31, 2014. The government consents to this application.

Thank you very much for your consideration of this application.

Respectfully,

Anthony L. Ricco

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ALR/jh

cc: A.U.S.A. Jason Jones (By E-mail)

granted. set for March 31, 2014 at 11 AM.
so ordered
J. Lee Blawie
US DJ 1/17/14